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MR. BENTON'S ANTI-CESSION SPEECH.

S P E E C H

OF

MR. BENTON, OF MISSOURI,

AGAINST CEDING SEVENTY THOUSAND SQUARE MILES OF NEW MEXICO TO TEXAS.

IN THE SENATE OF THE UNITED STATES, JULY 15, 1850.

Mr. BENTON offered the following amendment to the Compromise Bill:

"Strike out of proposition 'first' of section 33, after the word 'beginning,' these words: 'at the point on the Rio del Norte, commonly called El Paso, and running up that river twenty miles, measured by a straight line thereon, and thence eastwardly to a point where the 100th degree of west longitude crosses Red river, being the southwest angle, in the line designated between the United States and Mexico, and the same angle in the line of the territory set apart for the Indians by the United States,' and insert after the said word 'beginning' these words: 'at the point in the middle of the deepest channel in the Rio Grande del Norte, where the same is crossed by the 102d degree of longitude west from the meridian of Greenwich; thence north, along that longitude, to the 34th degree of north latitude; thence eastwardly to the point at which the 100th degree of west longitude crosses the Red river.'"

The amendment being stated by the Chair, Mr. BENTON said:

The motion is to strike out and insert—to strike out the committee's proposed line for the western boundary of Texas, and to insert a different one in place of it. The committee's line begins twenty miles, on a straight line, above El Paso, and runs northeastwardly to the point at which the Red river is crossed by the one hundredth degree of west longitude. The line I propose begins in the middle of the channel of the Rio Grande del Norte, where it is crossed by the one hundred and second degree of west longitude, about three hundred miles, on a straight line, below El Paso, and runs north with that longitude to the thirty fourth parallel of north latitude, where it strikes the committee's line; and thence, with that line, to its termination at the intersection of the Red river by the one hundredth degree of west longitude. These are the two lines, and the difference between them is a difference of seventy thousand square miles cut off from New Mexico and given to Texas.

My objections to the committee's proposed line were stated in a former speech, and nothing which was then said will be repeated now. The point of those objections was, that that line was a dismemberment of New Mexico, cutting off seventy thousand square miles of its territory, and giving it to Texas. My reasons for the line I propose were also stated in the same speech, and will not be repeated now. Their point was, that a line along the one hundred and second degree of west longitude would be the proper boundary between New Mexico and Texas—the one that would conform to the actual possessions of both countries, to their civil and geographical divisions. Without repeating arguments formerly used, my design is to rise higher, and establish the same points by new and closer evidence, drawn, as the rhetoricians express it, *ex visceribus cause*—from the bowels of the case—that is to say, from the bill and report of the committee itself, and from the authentic map of the State of Texas.

I begin with the committee's bill, and show from it that a cession of a part of New Mexico to Texas, and not the ascertainment of the true line between them, was the object of the committee; and that in fact they make a cession of one half of New Mexico to Texas, and then accept a cession of the other half from her, and then propose to pay her a large sum of money besides. Here is the ceding clause in the committee's bill:

"Second. The United States cedes to the State of Texas all right, claim, and title which they have to any territory lying south of the line aforesaid. And the said State of Texas cedes to the United States, any right, claim, and title which it has to any territory lying north of the said line."

These are the words of the committee's bill—a cession—a mutual cession of territory from each to the other, and in terms which imply title in each. The United States cedes to Texas all the territory that lies south of the committee's line; Texas cedes to the United States all the territory that lies north of it. It is the act of two owners acting independently of each other, and making an exchange of land, and in terms which imply an equality of title in the respective cessions. Upon the words of this clause, "then this transfer to Texas is a cession from the United

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States, and conveys to Texas the right, title, and claim of the United States to all the territory ceded. Another part of the bill is equally explicit in treating this transfer as a cession. The sixth clause is in these words:

"*Sixth.* If the said State of Texas shall refuse or decline to accede to the preceding articles, they shall become null and void, and the United States shall be remitted back to all their territorial rights, in the same state and condition as if these articles of compact had never been tendered to the acceptance of the State of Texas."

This is confirmation, both of the cession and of the title of the United States. It makes a provision for resuming the title of the United States if the exchange is not agreed to by Texas. It remits the title—sends it back—to the United States if Texas does not accept! and, to give more emphatic meaning to this remission, as a return to its former owner, the expletive "back" is superadded—a redundancy phrase which could only be justified by the extreme desire of saving the title of the United States if the committee cannot succeed in giving it away.

The report of the committee, in explanation and support of their bill, fully accords with these two clauses of the bill itself. It treats the line they propose as making a cession of United States territory to Texas, and carefully reclaims the title, if the cession is not accepted. Thus:

"If this boundary be assented to by Texas, she will be quieted to that extent in her title. And some may suppose that, in consideration of this *cession* by the United States, she might, without any other equivalent, relinquish any claim she has beyond the proposed boundary: that is, any claim to any part of New Mexico. But, under the influence of a sentiment of justice and great liberality, the bill proposes to Texas, for her relinquishment of any such claim, a large pecuniary equivalent."

And again:

"It cannot be anticipated that Texas will decline to accede to these liberal propositions: but if she should, it is to be distinctly understood that the *title* of the United States to any territory acquired from Mexico east of the Rio Grande, will remain *unimpaired*, and in the same condition as if the proposals of adjustment now offered had never been made."

Here are two distinct confirmations of the meaning expressed in the Committee's bill, and shows that the import of the words employed by them was duly and cautiously considered. "Concession" is the term they apply to it, which is the equivalent of cession, which is itself equivalent to the word grant. "Unimpaired" is to be the state of the United States title, if the concession is not accepted by Texas; and, as an acquisition from Texas, the remaining part of New Mexico is proposed to be held. The words all imply cession and acquisition; and in that, the bill and report are right. It is a cession of seventy thousand square miles of New Mexico to Texas for nothing! with a proposal to purchase the remaining part of New Mexico from her at a greater price! The whole crowned by a bungling salvo to save our title "unimpaired," if Texas cannot be induced to accept these fine terms—terms which give her both our land and our money. Thus, the report accords with the bill, and sustains my proposition.

I now proceed to other evidence.

Here is a map! the title, contents, date, and verification of which are vital to this inquiry. It is entitled, A MAP OF THE STATE OF TEXAS, BY CORDOVA; and it declares itself to be compiled from the records of the General Land Office of the State, and is dated in the spring of 1848, and professes to give every county, every town, land district, river and stream in the State; and is verified by the signatures of the Senators and Representatives of the State in Congress, by the Commissioner of the General Land Office, and the attestation of the Governor, and of the Secretary of State. It must be assumed to be an authentic map of the State, such as it was at the time of its compilation—Spring of 1848—and will not be questioned by Texas, and is the sole evidence for which the United States will have occasion in maintaining the possession of all New Mexico until the question of title shall be competently disposed of. It shows the possession of Texas as it stood at the time that the United States acquired New Mexico. It is the map of possession—the map of the State as possessed—at that identical moment, vital to this question: it extends from the Sabine to 102 deg. of west longitude. And here is a reduced map in the corner of the large one, embracing the country from the Mississippi river to the Pacific ocean, and showing the whole extent of the claim of Texas. I will explain the reduced map first. Here it is, (holding it up.) The blue color represents the whole claim of Texas, extending to the head of the Del Norte, and thence to north latitude 42 deg., where it corners with Oregon and California, having "Santa Fe county" written upon it, near San Miguel—the place where the Texan expedition was taken prisoner in the year 1841. The small red and yellow squares in the eastern part of this little map represent the counties, land districts, and the colonial land grants in Texas; and they show that the longitude of 102 deg.—the same which I propose for the western limit of Texas—was the utmost limit to which any land district or occupied county then extended. Fannin land district extended precisely to that longitude, and is bounded by it. Bexar county extended in that direction, but without a settler near it. This is what the little map shows—the whole claim of Texas, covering all New Mexico east of the Del Norte—and her actual possession limited to the eastern side of the longitude of 102 deg.

I now recur to the large map, entitled A Map of the State of Texas; and first read the certificates of verification which I find on its face. These are they:

"WASHINGTON CITY, August 22, 1848.

1. "We the undersigned Senators and Representatives from the State of Texas do hereby certify, that we have carefully examined J. De Cordova's map of the State of Texas, compiled by B. Creuzbawr, from the records of the General Land Office of Texas, and have no hesitation in saying that no map could surpass this in accuracy and fidelity. It has delineated upon it every county in the State, its towns, rivers, and streams; and we cordially recommend it to every person who desires correct geographical knowledge of our State. To persons desirous of visiting Texas it will be invaluable."

[Signed: Thomas J. Rusk, Sam Houston, David S. Kaufman, S. P. Pillsbury.]

2. "I hereby certify, that this map has been compiled from the records of the General Land Office, by Robert Creuzbawr, and that it is the most correct representation of the State which I have seen, or which has come within my knowledge. The meanders of the rivers are all correctly represented, being made from actual surveys."

[Signed by Thomas W. Ward, at Austin, July 4, 1848.]

3. "The undersigned, Commissioner of the General Land Office of the State of Texas, has no hesitancy in declaring it as his firm conviction, that this map is a very correct representation of the State, representing all returns up to date, having been compiled with great care from the records of the General Land Office by the draughtsman, Robert Creuzbawr."

[Signed July 4, 1848: George W. Smith.]

4. "State of Texas: I certify that George William Ward was Commissioner of the General Land Office from the 5th day of January, 1841, to the 29th day of March, 1848; and also that George W. Smith is now and has been Commissioner as aforesaid since the said 29th day of March last. In testimony whereof, I have hereunto set my hand and affixed the seal of the State, at Austin, the 7th day of July, 1848, and of the independence of Texas the thirteenth year."

[Signed, George T. Wood: countersigned by the Secretary of State, W. D. Miller.]

This is the authentication of the map, and certainly nothing could be more full and satisfactory. The dates of the certificates are also most essential; for they show the map to have been compiled as late as the Spring of 1848, the very date of the treaty with the Republic of Mexico, as if compiled for the exact purpose of showing the United States the extent of the Texan possession on the day she became interested in the question, by becoming the owner of the territory contiguous to Texas. Here is this authentic map. Look at it—(holding it up.) It is large enough to be seen across the Chamber, and shows objects with sufficient distinctness to be discerned by all. Its western limit is the longitude of 102° the very limit I propose, as if I had made the map myself to suit my bill. Here is the longitude of 102 constituting the western limit of the map, running through the centre of the Staked Plain, leaving every country, every town, and every land district, and every stream and river of Texas, with all their head springs and sources to the east, leaving the whole course of the Puerco and its valley to the west, and striking the del Norte just below the mouth of the Puerco, and three hundred miles on a straight line below El Paso. Behold it! Here is 102 cutting the long blank space marked *El Llano Estacado*, the Staked Plain; and here are all the breaks in the eastern declivity of that long, broad, and sterile table land, from which issue the thousand little streams which, taking their course towards the rising sun, and gathering themselves into large channels, give birth to all the beautiful rivers of Texas—the Colorado, the Brasos, (*Los Erasos de Dios*, the Arms of God,) the Nueces, and the southern forks of the Red river. There they all are! Everything that is Texan by nature or by law! Rivers, towns, counties, all to the east of 102, and all separated from New Mexico by the high desert plain which marks the structure of the country, and divides systems of rivers and of lands from each other.

This is the line which I propose, and upon the adoption of which the sense of the Senate will be taken. It is entirely different from that of the committee, and makes a difference of 70,000 square miles to the United States territory in New Mexico, according to its adoption or rejection.

I have diligently studied the report of the committee to find out the principle on which they could take a line beginning above El Paso to divide the territories of New Mexico and Texas—a line which, conforming to neither claim, falsifies both! and which, contradicting history, geography, and law, invalidates itself! I have been greatly at a loss to discover the principle on which such an anomalous line could be based; and suppose I have found it, so far as it can be found, in the paragraph of the committee's report, which I will now read. This is it:

"The committee beg leave next to report on the subject of the northern and western boundary of Texas. On that question a great diversity of opinion has prevailed. According to one view of it, the western limit of Texas was the Nueces; according to another, it extended to the Rio Grande, and stretched from its mouth to its source. A majority of the committee, having come to the conclusion of recommending an amicable adjustment of the boundary with Texas, abstain from expressing any opinion as to the true and legitimate western and northern boundary of that State. The terms proposed for such an adjustment are contained in the bill herewith reported, and they are, with inconsiderable variation, the same as that reported by the Committee on Territories.

"According to these terms, it is proposed to Texas that her boundary be recognised to the Rio Grande, and up that river to the point commonly called El Paso, and running thence up that river twenty miles, measured theron by a straight line, and thence eastwardly to a point where the hundredth degree of west longitude crosses Red river; being the south west angle in the line designated between the United States and Mexico, and the same angle in the line of the territory set apart for the Indians by the United States."

This is it! and a pretty light it is to guide the Congress of the United States—a great diversity of opinion among the people, and no opinion at all in the committee. Some think the Nueces the true and legitimate western boundary; some think it extends to the Rio Grande. The committee think neither one nor the other, nor anything else; but, having come to the conclusion to recommend an amicable adjustment, they abstain from expressing any opinion as to the true and

legitimate western boundary of Texas! and then, without any regard to what is either true or legitimate, they cut New Mexico in two, and give half of her to Texas. If the committee had studied the question of boundary, and expressed an opinion, and then made their line conformable to it, their recommendation might have been entitled to great weight. But they do no such thing. They do not study the question. They expressly abstain from it. They neither give an opinion of their own nor adopt that of anybody else. They neither take the Nueces, as they say some believe, nor the Rio Grande, as they say others believe; nor name any line which they themselves believe; but, going it blind—making a half and half business of it—cutting instead of untangling the Gordian knot—they take a new course across the Puercos, beginning half way up the Del Norte, cut New Mexico in two just below the hips, and give the lower half to Texas, leaving New Mexico to stump it about as she can, without feet or legs.

This is called abstaining from expressing an opinion; but it is certainly acting an opinion, and executing it also. They amputate New Mexico—cut her in two just below the middle—give half to Texas—and call that no opinion. Sir, there was once a dispute before a wise man with respect to the maternity of a child. Two different women claimed to be its mother, and Solomon, puzzled with their contradictory asseverations, and not able to decide which was the true and legitimate mother, and abstaining from expressing any opinion, ordered the child to be cut in two, and half of it to be given to each. You know how it ended. The true mother would not have the child cut in two! and the wise man knew that! and his judgment was nothing but a device to find out the truth by making nature speak. I do not know whether our committee have acted on the policy of Solomon—Solomons though they all may be; nor in fact upon what policy or principle they acted. There is no point from the head to the mouth of the river which may not be taken on the same principle. Amicable adjustment is the only rule they profess, and that seems to be very amicable; and, according to what they propose, all their amiability runs in one channel, and all their adjustment leans to one side. They give seventy thousand square miles of New Mexico to Texas, and offer her ten millions of dollars to accept it! This is amicable enough to Texas, and adjustment enough to suit her! But how does it suit the United States and New Mexico? How does it suit truth and justice—that true and legitimate line which the committee did not even pretend to ascertain?

The committee propose a consideration to be paid by the United States to Texas—how much they do not say in their bill or report, but rumor talks of ten millions of dollars. This is what the report says:

"As a consideration for it, and considering that a portion of the debt of Texas was created on a pledge to her creditors of the duties on foreign imports, transferred by the resolution of annexation to the United States, and now received and receivable in their treasury, a majority of the committee recommend the payment of the sum of — millions of dollars to Texas, to be applied in the first instance to the extinction of that portion of her debt for the reimbursement of which the duties on foreign imports were pledged as aforesaid; and the residue in such manner as she may direct. According to an estimate which has been made, there are included in the territory to which it is proposed that *Texas shall relinquish her claim, embracing that part of New Mexico lying east of the Rio Grande*, a little less than 124,933 square miles, and about 79,957,120 acres of land. From the proceeds of the sale of this land, the United States may ultimately be reimbursed a portion, if not the whole, of the amount of what is thus proposed to be advanced to Texas."

The consideration is not named; but some things are named which may help to form a judgment as to what it ought to be. Let us consider them. In the first place, this is an affair of mutual cession—an exchange of land—so much on one side, and so much on the other—and then boot from the United States to Texas to the figure of some millions. The first question is, how much land does each give? And the committee answers for Texas, with great precision, a little less than 124,933 square miles, including that part of New Mexico which lies east of the Rio Grande; and I answer for New Mexico, 70,000 square miles, including the El Paso and Puerco country. Upon the figures, Texas would seem to have ceded most, and entitled to receive boot; but when it comes to be considered that this cession from Texas includes all New Mexico east of the Del Norte, from twenty miles above El Paso to the head of the river—that it cedes five hundred miles of what was New Mexico for a hundred years before the name of Texas had been heard of—that it includes thirty towns and villages, and seventy thousand New Mexican people who admit no allegiance to Texas—then it becomes a question whether this five hundred miles of New Mexico should not be deducted from the committee's quantity of 124,933 square miles. I happen to be of that opinion; and so would deduct about 50,000 square miles from the committee's count. That would make the two cessions about equal in extent, about equal in quantity. And now for quality and value. How would the two cessions stand in that respect? Evidently the 70,000 square miles taken from New Mexico is worth more than the 75,000 ceded by Texas. It is in a better climate, being all of it south of 34 deg., and part as far south as 29½ deg.; while the Texan cession goes up to 42 deg., in the Rocky Mountains—within thirty miles of the South Pass, and cornering on Oregon and California. It is better land. It has civilized people upon it—four or five thousand at San Eleazar, and two or three thousand at other places. It is unincumbered with resident Indians, and will be ready for immediate sale and settlement, and lies in the direct track from the lower Mississippi to the northern parts of the Republic of Mexico, and the Gila route to California and the Pacific ocean.

It is the most valuable cession, equal in extent, better in climate and quality, and more desirable from position. And yet the committee propose boot—good boot—some millions. That is not the rule in the horse swap. It is not the rule to give the best horse, and then give the price of the other in boot, especially when both horses belong to yourself.

The committee, in their report, seem to be a little conscious that they were rather overdoing the matter in this article of compensation to Texas—this new mode of swapping land—giving the best land, and then giving boot besides. They say:

"If this boundary be assented to by Texas, she will be quieted to that extent in her title. And some may suppose that in consideration of this concession by the United States, she might, without any other equivalent, relinquish any claim she has beyond the proposed boundary: that is, any claim to any part of New Mexico. But, under the influence of a sentiment of justice and great liberality, the bill proposes to Texas, for her relinquishment of any such claim, a large pecuniary equivalent."

This is candid. Doubtless many will suppose, as the committee think some will, that the United States had given land enough without superadding money to it. They would think so upon the very reasonable principle, that when a man had given up half his land to quiet a claim to it, that he should not pay money for the other half, especially when he believed both halves belonged to himself, and when he had possessed it all for two hundred and fifty years. It is very reasonable in such a case, that some would suppose that he had done enough in giving up half. I, myself, would certainly be one in that some. But, not so the committee. They have a new rule to go by, unknown in trade or politics before. They have recourse to sentiment! and, under its influence, and from a feeling of great liberality, they will make "other equivalent" to Texas for relinquishing her claim to the rest of New Mexico. This is the way it stands in the committee's bill and report; and I give what they say in their own words, that there may be no mistake about it; another equivalent is what they propose. One might suppose that one equivalent was enough, but they propose another, so that there shall be both a moneyed and a landed equivalent to Texas. Now, I object to all this. I object to accept a cession of New Mexico from Texas, first, because the United States has a claim to it herself, and has the actual possession, which is a right to possession until the claim is decided. Secondly, because the acceptance of such a cession would admit the title of Texas to all New Mexico east of the Rio Grande, and so raise questions to disturb both New Mexico and the United States. Thirdly, because we give more valuable territory than we receive, and then pay the value of what we receive into the bargain, and which was our own before.

Sir, this is strange work. A committee undertaking to guide, in a case where they admit they have not looked for either truth or law—prescribing a line, which they admit to be neither true nor legitimate—abstaining from expressing an opinion, and yet forcing an opinion—making a sacrifice, and calling it a compromise—undertaking to save New Mexico, and saving her by giving away one-half, and purchasing the other half. This is strange work, and new work, in the American Senate: but let us go on with it.

The committee propose a consideration in money to Texas for accepting their line. Upon what principle? It is an exchange of territory—a mutual cession—and Texas receives better than she gives. Is it for the remaining part of New Mexico? If so, it is unjustifiable to purchase what we already possess, and dangerous to rouse the questions to which the admission of Texan title to New Mexico would inevitably give rise. This is too serious a question to be lightly evoked. If the State of Texas now covers the Santa Fe country, as the bill and report of the committee admit, then the constitution and laws of Texas are in force there! and this is what the Senate will say if it sanctions the committee's bill; and what cannot be said without rousing great questions.

A moneyed consideration is to be paid to Texas, but how much is kept a profound secret, for the profound reason of preventing jobbing in this Texas stock. In the meantime it seems to be known, in the knowing circles, that ten millions is the amount to be offered; and on that basis stock-jobbing is ripe! and three hundred per centum has already been the advance. The chance of California for admission, and of the two territories for governments, rises and falls with this rise and fall of Texas stock. They are all in one cart together—California, Utah, New Mexico, Texas boundary, and Texas stock; and must all go through, or balk together; and all depends upon the Texas stock.

The committee say, in their report, it is not to be anticipated that Texas will refuse to accede to their liberal propositions. That, I presume, will depend upon the amount of money with which that carefully-guarded blank is to be filled; and that is not to be filled until the last moment—until the bill is on its third reading. Then the filling is to come; and upon the quantity of it, I presume, the vote of the State of Texas is to depend—both the State in its rejection, or acceptance of the proposed terms, and her representatives here, in voting for or against the bill which contains them. I speak of the State and of myself, under the like circumstances. Our first duty is to our own State; and under the sense of that duty, the vote of the Texas Senators on this bill—this omnibus bill, in which the admission of California and governments to two Territories is mixed up with money to

Texas—their vote upon the whole bill must depend. Money enough to Texas, and they go it! and all the measures are carried. Not money enough to Texas, and they halt! and all the measures are lost. It is not only an enormity in itself to make the passage of the other great measures dependent upon the amount of money voted to Texas, but it leads to a vicious and condemnable mode of fixing that amount. It leads to voting the amount, not which Texas ought to receive, but of what will pass the bill! and to the contrary, what will defeat the bill. Thus, those intent upon the bill must vote a large sum to secure the Texas vote: those opposed to it must vote a small sum, or nothing, in order to defeat it. This is vicious voting, and to be condemned everywhere. A jury that should make up a verdict in that way would have their verdict set aside, and themselves reprimanded. What should be done to us and our verdict under the same circumstances? For one, I confess the vice of my vote, and lay its blame on those who force me into the false position in which I am to vote. In a bill by herself, and for such a line as I propose, I would vote Texas a liberal sum: in this connection, and under these circumstances, not a cent.

Mr. President, there is something overruling in the affairs of men, which, in the end, brings out things right, and establishes the dominion of truth and justice; and never was this overruling superintendence more visible than now. Here are measures of the most discordant kind clapped together in one bill, in violation of all parliamentary law, and to the ruin of all fair legislation, in order to force some measures to carry others. It is the most flagrant case of parliamentary impropriety which the history of our legislation has ever presented; and, to rebuke and crush it, here is the highest proof of its enormity which the wisdom of man could have devised. Votes are nearly balanced on this floor, for or against this conglomerate bill. There are two Texas votes on this floor, and they count four—two off and two on—and every one knows that these votes will decide the fate of the bill, and that they themselves will be decided by the amount of money to be voted to Texas. Sir, I touch a point which is still ahead, and which I will not develop now. When we come to the filling up of that mysterious blank, sb carefully guarded, I may be able to demonstrate that the effect of this conglomeration of bills, and that reservation of a blank, to be filled at the last moment, is to open an auction upon the floor of the Senate, for the votes which are to carry through the omnibus bill, with all its multifarious and heterogeneous contents. The filling of the blank may develop the fact, that the admission of California, and the establishment of governments for two Territories, may depend upon the amount of money to be paid to Texas; and, if it does, it will present the highest evidence of the flagrant enormity of tacking incongruous bills together which the history of American or British legislation has ever exhibited. The bill is caught *flagrante delicto*—taken in the fact—seized by the throat, and held up to public view—(and here Mr. B. grappled a bill and held it up) in the very act of perpetrating its crime—in the very act of auctioneering for votes to pass itself. I seize it in the act, and hold it up to public opprobrium, and make it an era to be recurred to, and its fate to stand as a warning against all future conjunctions of incongruous measures.

I beg my friends from Texas (Messrs. Houston and Rusk)—and I call no man friend without being ready to stand for a friend when one is needed—I beg them to take what I say in the sense I intend it. In their place, I should do as they will do—vote for or against the bill, and all its measures, according to the amount of money to go into the blank—and with the same sentiment of profound humiliation which they must feel. And this shows the enormity of such unnatural conjunctions of discordant measures. And here I will use an argument but lately come to hand, but which ought to have its weight on this occasion. I allude to the new constitution of Kentucky, and its salutary provisions against the ruinous practice of “log-rolling.” In section thirty-seven of article two of that instrument, there is this provision: **EVERY BILL SHALL CONTAIN BUT ONE SUBJECT, AND THAT SHALL BE CLEARLY EXPLAINED IN THE TITLE.** This is the sentiment of Kentucky on the fatal practice of tacking incongruous bills together. She has pointed her constitutional cannon against it. True, we are not bound by the provisions of her constitution; but we are bound to respect the principle of morality in which it is founded, and of course to condemn and repudiate this omnibus bill, freighted with so many subjects, and dependent for its passage on the amount of money to be voted out of the public Treasury to the State of Texas.

Sir, I have myself, in a bill now before the Senate, proposed a compact with Texas for the settlement of her western boundary; but I proposed no mutual cessions—no exchange of territory—no dismemberment of New Mexico—no purchase of the Santa Fe country—no giving away our own territory, and paying Texas to take it. My proposal steered clear of all that folly and blunder. This is what I proposed:

“ART. 3. The State of Texas cedes to the United States all her territory exterior to the limits to which she reduces herself by the first article of this compact.”

And the limits then proposed by me for her reduction were the same now proposed—102 deg. of west longitude, and 34 deg. of north latitude. This is all the cession that my bill proposed—a cession from Texas only—and not of all the territory, but of all her territory exterior to her reduced limits. This avoided the consequences of a cession from her of the whole country, including New Mexico as a part of Texas. It avoided the consequence of holding the Santa Fe

country as a purchase from Texas. It avoided the consequence of admitting all that country to have been a part of the State of Texas. It avoided all the serious and disturbing consequences in which the Committee's bill would involve us. For such a line as I proposed to Texas, ceding no territory to her, accepting no title to New Mexico from her, leaving New Mexico intact, and conforming to ancient title and to present actual possession, I would vote fifteen millions of dollars; for such a line as the Committee propose, not a copper.

The Committee can find no excuse in my offer for theirs. And here I address myself most especially to that member of the Committee (Mr. COOPER, of Pennsylvania) who seems to have become its organ at this point; and I say to him, and through him to the Committee, there is nothing in the one to justify the other. The two offers are as different as the two extracts from that sarsaparilla root—"Heaven wide apart, and infinitely dissimilar, and not alike in any two particulars, and having no two qualities in common." One begins twenty miles, in a straight line, above El Paso—the other three hundred miles in a straight line below it. One is latitudinal—the other longitudinal. One runs east—the other north. One cuts New Mexico in two—the other goes round her. One cedes seventy thousand square miles of New Mexico to Texas—the other cedes nothing to her. One accepts the remainder of New Mexico as a cession from Texas—the other holds her as a cession from the Republic of Mexico. One conforms to ancient title, present possession, and geographical affinities—the other violates all these conditions. One raises the slave question, and in its double aspect of actual extension of slavery into one half of New Mexico, and its implied legal existence in the other half—the other avoids both these questions by leaving both New Mexico and Texas just as they are. One admits the Texan laws and constitution to be in force in all New Mexico east of the Rio Grande—the other asserts the Mexican law to be in force there. These are some of the points of difference between my offer and the Committee's, and which I will thank the Senator from Pennsylvania (Mr. COOPER) to recollect the next time he speaks on the subject, and credit the differences on the right side of the account. But there is another difference, and of another kind, between the two offers, and which may be fully developed when we come to the work of filling up that coy and sensitive blank, upon which the Committee are so dumb, and the knowing ones so knowing. My offer affects no other bill, or measure. It is in a bill by itself. It is a Texas bill, and confined to Texas. The money it proposes carries no influence, good or bad, to any other bill or measure—has no effect on the life or death of California, or the two territories. It carries no votes, for or against them—excites no stock-jobbing interest, for or against them. It is a parliamentary bill, confined to its own subject, unmixed with any question, claiming decision on its own merits alone, and leaving all other bills to be decided, in like manner, upon their own merits. This is a particular difference between the Committee's bill and mine, in addition to all the other differences between them, and which, at the proper time, I shall more fully develop: and, in the mean time, must remind the Senator from Pennsylvania not to overlook these differences when he comes again to fortify his intended vote for sacrificing New Mexico by a reference to my bill for saving her.

The committee, as a justification for ceding the one-half of New Mexico to Texas, and then purchasing the other half from her, argue that it is the only way to prevent Texas from swallowing her all up. This was a great mistake in law, and a further mistake in fact, in supposing that the President—the then President, General Taylor—would not do his duty. There were three ways to save New Mexico without giving up any part of her to Texas. First, for the United States to occupy her as she was on the day of her cession by the Republic of Mexico; secondly, by a suit in the Supreme Court; thirdly, by offering a fair compact, based upon the true boundary. By either of these three ways New Mexico could be saved; and the late President, in a message before his death, let us know that he would do his duty, and maintain the possession until the question of title should be decided by the competent authority. This is his message:

"I have already, in a former message, referred to the fact that the boundary between Texas and New Mexico is disputed. I have now to state that information has been recently received that a certain Robert S. Neighbors, styling himself commissioner of the State of Texas, has proceeded to Santa Fe with the view of organizing counties in that district, under the authority of Texas. While I have no power to decide the question of boundary, and no desire to interfere with it as a question of title, I have to observe that the possession of the territory into which it appears that Mr. Neighbors has thus gone, was actually acquired by the United States from Mexico, and has since been held by the United States, and, in my opinion, ought so to remain until the question of boundary shall have been determined by some competent authority. Meanwhile, I think there is no reason for seriously apprehending that Texas will practically interfere with the possession of the United States."

This is the message of the late President, and it is the law and the prophets, brief and simple, but true and wise, and putting to flight the main argument for the dismemberment of New Mexico. He tells you that he will maintain the possession, such as it was when the United States received it, until the question of boundary should be decided by the competent authorities. This is enough for us. We are in possession, and have only to retain it. These were the resolves of the late President, and there is no dispute about them. He spoke for himself, and his words will stand, a monument to his memory—a monument to his judgment to see the right, and to his firmness in maintaining it. It was his last message, and the symbol of his character—brief, plain,

honest, wise, firm, and to the point. It was worthy to be the last message of General Taylor, and will go into the heads and hearts of the people, and will remain on the memory of his country longer than graven words can remain upon stone or brass. I make no allusion to the present President. It would be unparliamentary and indecorous to do so. He has sent us no message. But we are bound to believe that he will do his duty, as he understands it, and at all events we have no right to act upon a contrary supposition—to suppose that the President will not maintain the attitude of his predecessor, and thereby make it necessary for Congress to do something in his place.

Mr. President, we are a government of divided powers—legislative, executive, and judicial—and no one department has a right to assume that another department will not do its duty, and thereupon assume those duties itself, or do something that it ought not to do, on the supposition that the other departments will do nothing. Such assumptions and interferences are the bane of all government, and the excuse for much wrong. We have seen how mistaken it was to assume such a thing of the late President—it was to suppose that he would not do his duty in maintaining the possession of New Mexico—and make that supposition our excuse for giving her away. It may be equally mistaken to make the same supposition of his successor; but I will not suppose one way or the other. I rest on the principle of parliamentary law and decorum, and will not suppose, or presume, a delinquency of duty on the part of any other department of the Government; and, rising above all party feelings, shall hold myself ready in the case of President Fillmore, as in that of President Taylor, to sustain him in the full execution of all his constitutional duties when I believe him to be right.

The late President, in that same message, informed Congress that he saw no reason to apprehend that Texas would practically interfere with the possession of the United States. The expression was honorable to him. It was as much as to say that he did not believe that Texas would commit a breach of law and order, and set an example of violence and bloodshed in the assertion of a contested claim. I do not know whether circumstances had occurred to induce him to qualify that opinion, but I join him in it; and if, unfortunately, it should turn out to be a mistake, and Texas troops should be marched upon New Mexico, I have my future course to find in my past conduct, and to do by the Texas authorities what I did by the Missouri authorities, in a similar case, a few years ago. And here I touch a point which I have never made public in relation to my own conduct, and that of my then colleagues in the boundary dispute between the State of Missouri and the Territory of Iowa. Every body knows of the dispute, and how the two Governors levied troops, marched battalions, and prepared to fight battles; but no one knows how these warlike preparations were stopped. I will tell you how it was done. When the Missouri delegation here heard that their Governor was marching troops upon Iowa, they got together, consulted on the case, and addressed a private letter to the Governor to let him know that they could not support him in such a movement, and recommending the cessation of military and the commencement of judicial proceedings. The advice, or something else, prevailed; military operations stopped, judicial proceedings began, Missouri lost the land, but gained the honor of submitting to the laws of the land.

Dr. Linn, whose brother and nephew sit on my left, (Mr. Dodge, of Wisconsin, and Mr. Dodge, of Iowa,) was then my colleague in the Senate, ex-Governor Miller and Mr. Edwards our colleagues in the House of Representatives. We were friends together. We united in the letter; and, satisfied with its effect, never told what we had done; nor should I now tell it, except to give the example of Missouri in a case similar to that of Texas, and to show in my past conduct what may be my future conduct if troops are marched upon New Mexico. The Senator from Iowa, nephew of Dr. Linn, (Mr. AUGUSTUS Dodge,) was then a Delegate from Iowa, and knew all about our conduct, except the letter. I am for law, and order, and the support of the constituted authorities—for doing my own duty, in my own sphere, and leaving it to the Executive and the Judiciary to do theirs in their spheres.

I return to my motion—the motion to strike out the committee's line, which begins twenty miles above El Paso, and to insert the one which I propose, and which begins three hundred miles below that point. If the line I propose is adopted, we shall save all New Mexico, get the surplus territory to which Texas has a rightful claim, and have a justifiable cause for paying her a good sum of money. If the committee's line is adopted there will be no justification for paying Texas a cent; and upon the question of these two lines, naked and apart from all other questions, I now wish the vote of the Senate, and ask the yeas and nays.

The yeas and nays were ordered.

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